DOCUMENT RESUME

ED 434 886 SP 038 821

AUTHOR Watkinson, Ailsa
TITLE Honouring Diversity in the Classroom: Challenges and Reflections. Diversity in the Classroom Series, Number One.
INSTITUTION Saskatchewan Professional Development Unit, Saskatoon.; Saskatchewan Instructional Development and Research Unit, Regina.
ISBN ISBN-0-7731-0324-4
PUB DATE 1996-00-00
NOTE 40p.; For documents in this series, see SP 038 822-827.
AVAILABLE FROM Saskatchewan Professional Development Unit, 1500 4th Ave., Regina, Sk S48 3V7 Canada; Tel: 306-787-5987; Fax: 306-787-9747 ($12, shipping and handling included, 7% GST on Canadian orders only; payment is required with order; prices subject to change).
PUB TYPE Guides - Non-Classroom (055)
EDRS PRICE EDRS Price MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS *Cultural Differences; *Cultural Pluralism; *Diversity (Student); Educational Legislation; Elementary Secondary Education; *Equal Education; Foreign Countries; Legal Responsibility; Moral Values; Multicultural Education; Racial Bias; Racial Discrimination; Reflective Teaching; *Staff Development; Student Behavior; Teacher Attitudes; Teacher Improvement
IDENTIFIERS Saskatchewan

ABSTRACT

This document provides the framework for six other related documents in a series that focuses on diversity in the classroom. Section 1, "Introduction," explains that children in any Canadian classroom are not homogeneous, and such diversity presents teachers with challenges and obligations. The chapter reviews the subjects addressed in the series' other six documents. It explains that teachers who work with diverse students must be capable of analysis, visioning, and advocacy--elements associated with reflection. Section 2, "Diversity as the Norm," defines diversity and explains that teachers must be able to understand the shifting, evolving paradigms in education in order to be able to serve the needs of all students. Section 3, "The Reflective Educator," explains essential elements of the reflective process (open mindedness, responsibility, and whole heartedness) and discusses the importance of reflective teaching. Section 4, "Equality and Discrimination," defines the two words as related to teaching diverse students. Section 5, "Moral and Legal Obligations," discusses the moral values that guide teachers in their interactions and examines how they are reinforced by human rights legislation. Section 6, "Yes, But What If..." discusses how to ensure equality if one student's behavior disrupts everyone else's education. Section 7, "An Invitation," presents two student scenarios from the viewpoint of the student, teacher, administrator, and school board. (Contains 50 references.) (SM)

ED 434 886

Saskatchewan Professional Development Unit

Saskatchewan Instructional Development and Research Unit

Diversity in the Classroom Series

Number One

Honouring Diversity in the Classroom:

Challenges and Reflections

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL IN MICROFICHE ONLY HAS BEEN GRANTED BY

D. Friesen

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

2B

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☐ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

SP038821

BEST COPY AVAILABLE

Prepared for the
Saskatchewan Professional Development Unit
and the
Saskatchewan Instructional Development and Research Unit

© 1996

Saskatchewan Professional Development Unit
Box 1108
Saskatoon, SK Canada
S7K 3N3

Telephone: (306) 373-1660 or 1-800-667-7762
Facsimile: (306) 374-1122

Saskatchewan Instructional Development and Research Unit
Faculty of Education
University of Regina
Regina, SK Canada

Telephone: (306) 585-4309
Facsimile: (306) 585-4880

Foreword

Foreword

"Diversity in the Classroom" is a series of resources prepared for educators by educators. Working with an advisory committee of educators, authors research each topic thoroughly, distilling theory into a practical resource. The documents are research-based, concise yet comprehensive, and we hope of immediate use to teachers.

Guided by the following principles, each of the seven documents in the series:

- supports a learner-centred climate conducive to transactional and transformational learning
- encourages inclusion and celebrates diversity
- promotes teacher development that accommodates children's needs
- challenges teachers to examine assumptions and beliefs
- respects and empowers all members of the learning community.

Just as the blocks of a quilt are assembled to form a larger and more complete picture, so, too, will you find that the seven documents together form a more complete picture of "Diversity in the Classroom". We invite you to explore each of the documents in the series.

Caroline Krentz
Director, SIDRU

"Honouring Diversity in the Classroom: Challenges and Reflections" is the foundational document which provides the framework for the other documents. Each of the other six documents presents a different block of the "Diversity in the Classroom" quilt.

Gwen Dueck
Director, SPDU

We hope you enjoy working with this resource and will consider the other documents in the series. Your comments and suggestions are always appreciated.

Acknowledgements

Acknowledgements

This document comes to its present form with the thoughts and ideas of many . . .

Advisory Committee

Rita Bouvier, Saskatchewan Teachers' Federation

Janice Charlton, Saskatchewan Education

Gwen Dueck, Director, SPDU

Doug Hindle, Indian Head School Division

Caroline Krentz, Director, SIDRU

Allan Melenchuk, Regina Catholic Separate School Division

Jean Nahachewsky, Saskatchewan Teachers' Federation

Karon Shmon, Prince Albert Public School Division

Delores Switzer, Retired Educator, Saskatoon

Kevin Tunney, Saskatoon Catholic Separate School Division

Jane Thurgood-Sagal, Saskatchewan Education

Writer-Developer

Ailsa Watkinson, Educational Consultant

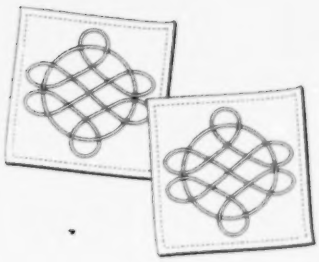
Artwork

Charlene Baron, Carla Nickel, Martin Wilde, Saskatchewan Teachers' Federation

Series Editor

Sheryl Mills, Mills Consulting

Contents



Introduction 3

Diversity as the Norm 6

The Reflective Educator 9

Equality and Discrimination 13

Moral and Legal Obligations 16

Yes, But What If 21

An Invitation... 24

- In Emily's Best Interest 25
- In Robert's Best Interest 27

References 29

Introduction

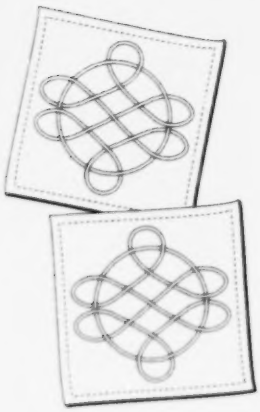
A Grade 3 class picture might show 29 smiling students, 13 girls and 16 boys, as well as the classroom teacher and teacher associate. Eight of the students are visible minorities, one is an Aboriginal student, two are students with special needs and another has been diagnosed as attention deficit.

However, class pictures do not tell us how many of the children live in poverty, encounter complex emotional, social and health problems, or have been the victims of sexual and physical abuse. But statistics do. In Canada, 19% of children under the age of 18 live in poverty (Hoffman, 1996, p. A-1),[1] up to 40% of children are at risk of failure in school because of an array of emotional, social and health problems (*Saskatchewan Education Indicators Report*, 1995, p. 5) and 33%–50% of children have been sexually abused (Badgely, 1984). To extrapolate, this means that in any classroom, 1/5 of the children live in poverty, 2/5 are at risk of school failure because of complex problems and 1/3 to 1/2 of the students have been sexually abused. Many others have been physically abused.

"To become moral communities that are supportive and caring, schools need to model empathy, altruism, trust, cooperation, fairness, justice, compassion, democracy, and celebration of diversity" (Pine & Hillard, cited in Siccone, 1995, p. xi).

The students in any classroom are not a homogeneous group. Their experiences vary. Some of their experiences are influenced by their heritage, culture, gender, class, and abilities. Today's students represent a diverse society, one far removed from the homogeneous student population that education was originally designed to serve. This diversity among the Canadian student population presents teachers with many new challenges and obligations.

[1] The poverty rates in Newfoundland and Saskatchewan are the highest, 24% and 22% respectively. The *Saskatchewan Education Indicators Report Update* May 1995, reports that 25% of children under the age of 7 live in poverty.



A recent study entitled *Meeting Diverse Student Needs in Saskatchewan Classrooms* (McLeod, 1995), found that teachers are willing and able to accommodate students with diverse needs but they need assistance. Some of the assistance included more planning time, more support services, more training on working with students from diverse backgrounds, lower teacher/pupil ratios and more support from parents. The *Diversity in the Classroom Series* does not pretend to meet all needs, but it is designed to provide teachers with ideas on working with a diverse student population.

The *Diversity Series* is made up of this foundational document, *Honouring Diversity in the Classroom: Challenges and Reflections* and six individual units. The purpose of this foundational document is to provide the philosophical background behind the *Diversity in the Classroom Series*. This document proposes that meeting the needs of a diverse classroom population, a concern raised by educators, is a moral, as well as a legal obligation, an obligation that may challenge conventional educational practices. The six individual units are designed to assist educators in carrying out their moral as well as legal obligations, by providing ideas on how to adjust or modify educational practices. The six units are:

- Multicultural Connections: Exploring Strategies and Issues;
- Growing Stronger: Teaching and Learning Responsibility;
- Planning Together: Positive Classroom Environments;
- Aboriginal Cultures and Perspectives: Making a Difference in the Classroom;
- A Voice For All Students: Realizing Gender Equity in Schools;
- Creating An Inclusive Classroom: Integrating Students With Special Needs.

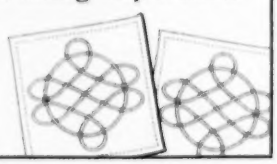
The foundational document and series are grounded in the belief that in order for students to develop a healthy sense of themselves on their journey to adulthood, they

"Multicultural education should be an integral part of Canada's formal education program. It should include: the fostering and stimulation of an awareness and an understanding of the cultural richness of Canada; the promotion of respect for and observances of human and civil rights in Canada; the enhancement, retention and development of a diversity of cultures" (Canadian Teachers' Federation, 1993, article 5.2).

need to be accepted for who they are. They need to feel empowered, that they belong, and that they are important members of the school community and of society.

Central to this document and the series is the belief that teachers and others who work with a diverse student population in the classroom must be capable of analysis, visioning, and advocacy - elements associated with reflection. The reflective teacher is capable of critically analyzing the current state of education by asking who it works for and who it disadvantages. The reflective process also involves visioning - that is stepping outside the status quo, to explore what needs to be done in the classroom, in the curriculum, within a school's culture, within the organization of education, to fully realize the educational potential of all students. Finally, the reflective teacher is an advocate of the student. In that capacity teachers act with and for students to ensure that the potential of all students is fulfilled and their inherent human dignity is maintained.

- Anti-racism education seeks to promote equity through practising the principles of inclusion, affirming the identity of individuals and groups, seeking the elimination of racism in all its forms, and initiating comprehensive school programs supporting equity.
- Anti-racism education is an integral goal of education which permeates curriculum, materials, pedagogy, policies, practices, programs and staffing.
- Anti-racism education must include: curriculum which is global in focus, which contains positive images and accurate information about history and culture, and which reflects the accomplishments and contributions of diverse groups; alternative approaches and teaching strategies which promote equity and the dignity and worth of the individual; a critical analysis of racism in all its forms; and opposition to any educational program, material or instruction which promotes or condones stereotyping, prejudice, discrimination, intergroup hatred or racism (Canadian Teachers' Federation, 1993, article 5.6).



Diversity as the Norm

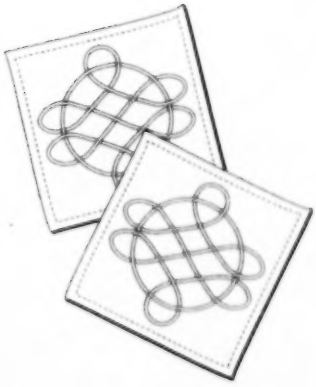
Diversity

Diversity is defined as the variation and differences among people related to their cultural heritages and identities, their gender and class experiences, their mental and physical abilities, and the social construct of race. Diversity in the classroom is a reflection of the diverse realities and experiences of individuals in society.

The affirmation of diversity as the norm in today's classrooms is supported by policies developed by every provincial and territorial educational ministry and teacher association. For example, Saskatchewan Education has designed policies and guidelines to assist, guide and support teachers in meeting the challenges associated with diversity.[2] In addition, provincial, national and international human rights documents promote and support diversity.

Diversity is the variation and differences among people related to their cultural heritages and identities, their gender and class experiences, and their mental and physical abilities.

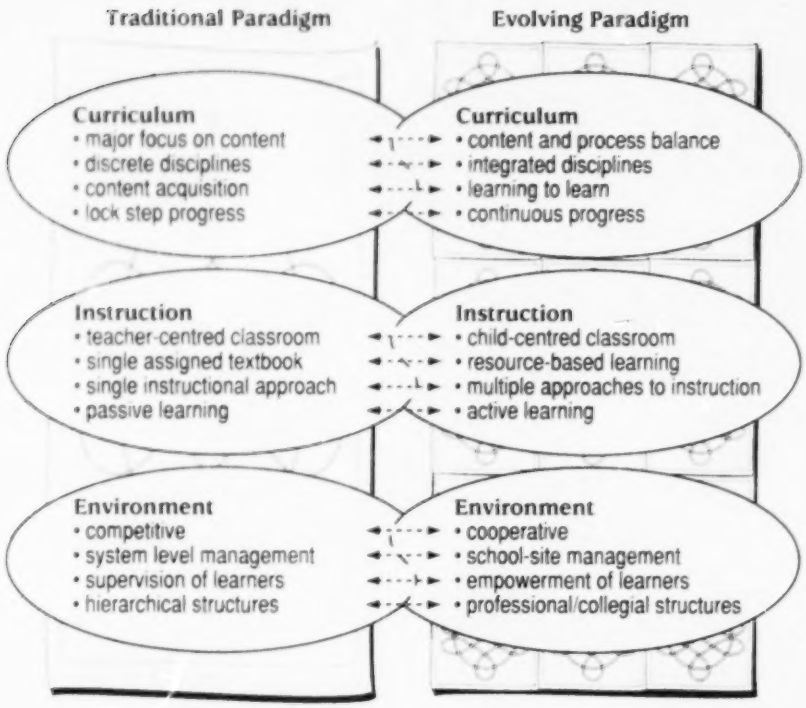
All of these educational and legal developments have fundamental implications for teachers. They question the "traditional" notions of teaching and ask us to consider alternatives to how we teach in order to develop the true potential of all students. In other words, what changes do I, the teacher, have to make to ensure that every student has an equal chance at reaching their potential?



[2] Please refer to: *A Five Year Action Plan for Native Curriculum Development* (1984); *Beyond Bias: Informational Guidance for Reducing Negative Bias in Instructional Materials* (1984); *Special Education Policy Manual* (1989); *The Indian and Metis Education Policy From Kindergarten to Grade 12* (1989); *Curriculum Evaluation in Saskatchewan* (1991); *Gender Equity: A Framework for Planning* (1991); *Gender Equity Policy and Guidelines for Implementation* (1991); *Gender Equity Resource Directory* (1991); *Selection of Fair and Equitable Learning Materials* (1991); *Student Evaluation: A Teacher Handbook* (1991); *The Adaptive Dimension in Core Curriculum* (1992); *Multicultural Education and Heritage Language Education Policies* (1994); *Meeting Challenging Needs: A Handbook for Teachers of Students Having Intensive Educational Needs* (1989).

These fundamental questions and challenges require careful reflection upon our teaching practices, our educational philosophies and our ways of doing things in the classroom. The challenge to our understanding of the work we do as teachers is best described as a shifting paradigm illustrated in Table 1.

Shifting Paradigms



What changes have you seen that bring real life examples to the "shifting paradigm" described in Table 1?

Table 1 is adapted from *The Adaptive Dimension in Core Curriculum* (1992), p. 4.

The label "Evolving Paradigm" connotes a continuing movement which incorporates, at times, the "Traditional Paradigm". The process is a continuing re-evaluation of each paradigm's strengths and weaknesses. The essence of the shifting paradigms' graphic is that the reflective teacher chooses the right balance between the two to meet the needs of each student throughout the course of the school year.

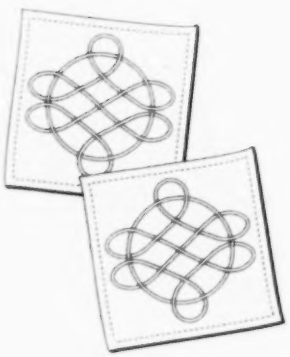
BEST COPY AVAILABLE

The shifting from a traditional paradigm to the inclusion of an evolving paradigm is fuelled by a new understanding of students:

- children are persons in their own right - they are not the property of an adult;
- student learning is enhanced within an environment that imbues the values of caring, concern and connection among and between students and educators;
- individuals learn in a variety of ways;
- student learning is an active process rather than a passive receptive process;
- accepting diversity by adjusting educational practices is an ethical matter;
- teachers must consider the human rights context that includes provincial statutes and constitutional documents and international covenants when planning their teaching.

The traditional paradigm expected children to adapt or fit within the school environment. By contrast, the evolving paradigm asks teachers and all those involved in the education system to adapt their programs, instruction and the learning environment to accommodate the developmental levels and learning needs of all students of the classroom.

The challenge for teachers is, as stated earlier, both a moral and legal obligation. These new challenges, found in the shifting paradigm and closely associated with a diverse student population, require reflective thought.



THE Reflective Educator

John Dewey, a renowned philosopher and educator, urged educators to regard themselves less as technicians and more as reflective educators engaged in "active and persistent consideration of any belief or supposed form of knowledge in the light of the grounds that support it and the consequences to which it tends" (1933 (a), p. 215).

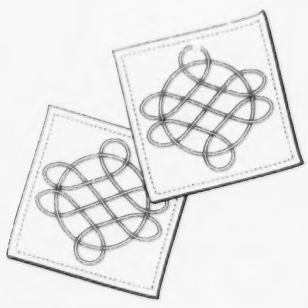
The reflective process according to Dewey (1933 (b)) requires three essential attitudes:

The reflective educator is more likely to be guided by strong beliefs which serve as an impetus for reflection. The reflective practitioner asks "why" questions - "why am I doing what I am doing?" By comparison, the technical teacher is less reflective and asks "how to" or "what works" questions.

- **open-mindedness**: an "active desire to listen to more sides that one; to give heed to the facts from whatever source they come; to give full attention to alternative possibilities; and to recognize the possibility of error even in the beliefs that are dearest to us" (Dewey, 1933 (b), p. 30).

- **responsibility**: the consideration of "long-range goals as well as immediate issues and feeling responsible for helping to fashion a more equitable and humane tomorrow" (LaBoskey, 1994, p. 13).

- **whole-heartedness**: the strength to move beyond abstract notions and put ideals into practice. A willingness to take risks and act despite the fear of being criticized, disturbing tradition and making changes (LaBoskey, 1994, p. 17).



Reflective

Ingredients

Open-mindedness: Enables teachers to question all assumptions and rationales, to become experts at alternative points of view and to see things from the point of view of a diverse student population.

Responsibility: Enables teachers to consider the future as well as the now, and acknowledge that their decisions and actions affect the future and the educational chances of their students.

Whole-heartedness: Enables teachers to work through their fears and insecurities and take action designed to meet the challenges of a diverse student population.

"As moral agents, teachers need to reflect critically on the injustice and inhumanity present in our society and our education institutions" (LaBoskey, 1994, p.3).

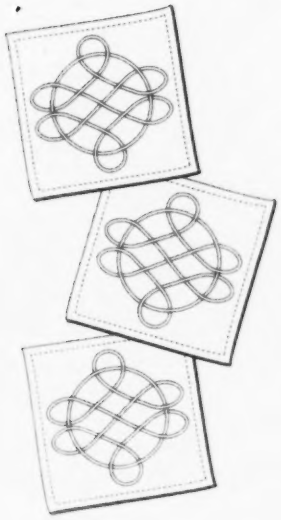
As stated earlier, it is the corner stone of this document that the changing demographics evident in any classroom requires teachers to be reflective and ask themselves:

- why do I do what I do in the classroom?
- who benefits from what I do?
- who is burdened by what I do?
- can I adjust my practices to ensure all students develop to their potential?

Using these questions, reflect upon the following:

Up to 40% of children coming to school experience difficulty learning because of complex emotional, social, and health problems. These problems "put them at risk of failure in school" (*Saskatchewan Education Indicators Report*, 1995, p. 5).

- Does my classroom management take into account these complex problems?



By the year 2011, approximately one-third of the school population will be of Aboriginal ancestry, almost doubling the number of students of Aboriginal ancestry (*Saskatchewan 2000*, 1991).

- Does my instructional material reflect Aboriginal traditions and histories?

In 1991 only 12 percent of Aboriginal students completed Grade 12 compared to an overall graduation rate of 78.2 percent (*Saskatchewan Education Indicators Report*, 1995, p. 21).

- How can I adjust my practices to ensure that my Aboriginal students complete Grade 12?

In 1991, 25 percent of Saskatchewan children under the age of 7 lived in poverty. The poverty rate for children increased by 11 percent since 1981 (*Saskatchewan Education Indicators Report*, 1995, p. 8).

- What can I do to alleviate the educational problems associated with student poverty?

"Teachers, their organizations, and education systems should work to see that the special needs of children who are poor are accommodated" (Canadian Teachers' Federation, 1993, article 5.8.3).

A total of 2,464 students with severe disabilities were enrolled in special education programs in 1994 (1.7%). Another 5-7 percent of the student population have varying learning and behavioral disabilities. Approximately 7-9% of the student population have some sort of disability (Saskatchewan Education, personal communication, 1995).

- Do all my students benefit from my teaching strategies?

"With the increasing number of Aboriginal youngsters, it becomes more critical than ever that Aboriginal traditions and history be reflected in instructional materials and classroom practices, and that Aboriginal teachers provide positive role models" (Saskatchewan Education Indicators Report, 1995, p. 7).

2.6% of Saskatchewan's population are members of visible minorities with higher concentrations in the major cities: Regina 5.1%, Saskatoon 4.7% (Statistics provided by the Saskatchewan Human Rights Commission).

- Are my classroom traditions inclusive?

74% of English as a Second Language (E.S.L.) students dropped out of school. Reasons varied from limited ability in English combined with limited first language proficiency, the requirement that E.S.L. students leave school by the age of 19, and their own impending sense of failure (Watt & Roessingh, 1994, p. 5-6).

- How can I adjust my practices to ensure all students develop to their potential?

"We've been dismayed by the evidence of how far we have yet to come in giving girls and young women the same respect as we give to boys" (Begin & Caplan, 1994, p. 34).

Traditional pedagogy favours boys' learning patterns more than girls'; teachers interact more with boys than girls and the interaction is more meaningful (Lather, 1991; Sadker & Sadker, 1994).

- What might be the long-term consequences for my students of the way I structure my classroom?

Students from diverse backgrounds "are, on average, performing somewhat worse than students from other communities" (Begin & Caplan, 1994).

- Who benefits from my curriculum content, classroom management, teaching style, and who is burdened by it?

"Students who tend to have the most difficulty in schools are those who have experienced a long history of discrimination, subjugation and prejudice" (Cummins, 1989, p. 8).

Researchers argue that if the education system was working equitably, there should be an equal distribution of achievement across demographic or community lines. These writers are drawing attention to the systemic discrimination or systemic barriers, usually unintended, which impede the learning opportunities of members of diverse groups. These barriers to learning may include curriculum materials, pedagogy, policies, practices, programs and staffing. The effect of these educational practices or conventions, that act as systemic barriers, can be that the equality rights of all students are not being met.

Equality & Discrimination

DEFINITIONS

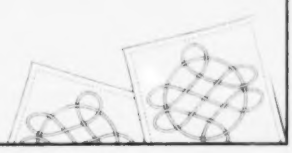
Historically, equality has meant treating everyone the same - giving everyone the same opportunity.

EQUALITY — equal freedom from discrimination.

EQUALITY OF OPPORTUNITY — the RIGHT to demonstrate one's abilities and to progress without an unfair barrier existing because of race, sex, physical disability or any other characteristic specified in *The Saskatchewan Human Rights Code*.

EQUALITY OF RESULTS — a way of MEASURING PROGRESS towards equality of opportunity.

EQUITY — FAIRNESS; justice for the individual taking into account his or her unique situation.



Current educational literature and human rights legislation is replete with the words "equality" and "discrimination". The terms mean different things to different people; therefore, it may be useful to consider the meaning given to these words by the Canadian Supreme Court. The Supreme Court is one of the most influential decision makers in Canada and its rulings on matters of equality, discrimination and diversity requires our attention.

Equality

Historically, equality has meant treating everyone the same - giving everyone the same opportunity.

There are times when this is appropriate. Few would argue that every child should have the right to attend school regardless of their culture, colour or ethnic background. But teachers know that no two students are the same and that to treat them in exactly the same way may disadvantage one over the other.

Consider, for example, the case of Laura who started teaching in 1963. Laura had a post-graduate degree in special education and was teaching students with behavioral problems. Laura discussed the need to treat students differently, to administer different consequences depending on the student. She described one of her students, Tom, who reacted very angrily whenever one particular student looked at him. He swore and threatened to become aggressive. If other students acted this way, they might be sent home until they had calmed down. She knew that her student had been severely sexually abused and that the other student reminded him

"It is not every distinction or differentiation in treatment at law which will transgress the equality guarantees of the* Charter. *. . . for the accommodation of differences, which is the essence of true equality, it will frequently be necessary to make distinctions"* (Andrews v. Law Society of British Columbia, *1989, p. 303).

of the abuser. Also, sending him home may have made him vulnerable to more abuse. She said:

> *It wasn't that I was still approving of Tom's swearing or anything, it was sort of a catharsis for him as opposed to someone else who would be deliberately swearing at me. . . . I tell [my students] that they're not going to be treated equally and that equal is not always fair.*

Laura was careful to ensure that the other student was safe and understood that Tom was wrong to react to him that way. But she treated Tom differently than she would have treated most of the other students. To have treated him the same, a practice some might see as "fair", would have discounted his personal circumstances and even put him at further risk.

"The difference in treatment between individuals under the law will not necessarily result in inequality and, as well, that identical treatment may frequently produce serious inequality" **(Andrews v. Law Society of British Columbia, *1989, p. 299).***

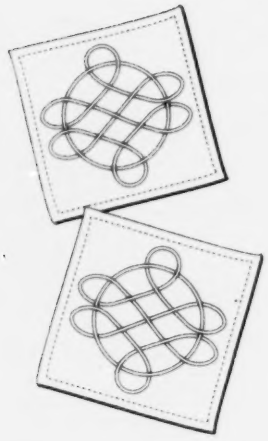
It is not unusual for teachers to consider the effect of the social and historical disadvantages experienced by some students. That type of contextual or reflective consideration is exactly what the Canadian Supreme Court said is necessary in order to uphold the equality rights as found in the *Charter* (Watkinson, 1994).

The identical treatment of every student does not necessarily mean there has been no discrimination nor does it mean that equality has been achieved (*Michael Huck v. Odeon Theatres Limited* (1985), p. D.2689). True equality cannot be met by relying on treating everyone the same because equality in that case is considered in the abstract rather than in its context.

If graduation from high school is an indication of educational success and statistics show that 12% of Aboriginal students complete Grade 12 as compared to an overall graduation rate of 78.2%, are the equality rights of Aboriginal students being met?

Canada's Supreme Court said that true equality includes an analysis of equality of results or outcomes as well as equal treatment. Thus, equal treatment or equal opportunity is not always enough. In fact, treating everyone the same can exacerbate inequality.

To expose all students to the same educational opportunities and treat them the same will not guarantee that the legal obligation of equality has been realized. The test is in the outcomes - the results.



Discrimination

Canadian Courts have recognized two types of discrimination: direct and indirect discrimination. The term systemic discrimination includes both direct and indirect discrimination.

Direct discrimination occurs when students with intellectual disabilities are not allowed to attend their neighbourhood school, and when students are not protected from sexual harassment while at school.

Indirect discrimination, sometimes referred to as adverse impact discrimination, arises from practices, curriculum or school rules that apply to everyone and appear neutral but which impact adversely on members of diverse groups (*Ontario Human Rights Commission and Simpson-Sears Ltd.*, 1985). An example might be the use of assessment procedures that result in a higher percentage of minority students being labelled as less academic more often than the majority group (Cummins, 1988, p. 127).

Indirect discrimination is rarely motivated by ill-will. But regardless of whether there was an intent to discriminate or not, the Courts have ruled that if actions, practices, or conventions disadvantage or impose a burden on a protected class of people, then it is discrimination.

If the end result of an education program shows that a certain group of students do worse than others, the program requires close scrutiny.

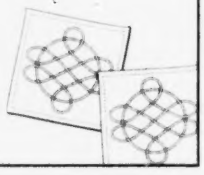
According to the Courts, realizing equality means focusing on the outcome, the end, the result. It could mean that discrimination occurs within the program. The discrimination is most likely not intentional but it has impeded the potential of some students. The evolving legal definitions of equality and discrimination, which considers the impact of systemic practices, policies and school rules, is something to reflect upon. The elimination of historical and social patterns of discrimination within education is a moral and legal issue, one that is governed by our own values as well as legislation.

Moral and Legal Obligations

The moral values that guide teachers in their interactions with one another are not unique. Rushworth Kidder (1994) interviewed two dozen women and men of conscience from around the world, representing different cultures, religions and life experiences and asked them: "If you could create a global code of ethics what would be on it?" The interview revealed eight common values: love, truthfulness, fairness, freedom, unity, tolerance, responsibility, and respect for life. Those who choose to teach often do so because of these intrinsic values which manifest themselves in a love of teaching, learning and a genuine concern for the education of children.

Two dozen women and men from around the world, representing different cultures, religions and life experiences, were asked: "If you could create a global code of ethics what would be on it?" The results revealed eight common values:

- ***love;***
- ***truthfulness;***
- ***fairness;***
- ***freedom;***
- ***unity;***
- ***tolerance;***
- ***responsibility; and***
- ***respect for life.***



Did you KNOW?

Did you know that school curriculum, pedagogy, the learning environment, rules and regulations, are open to questioning and challenge under Human Rights Legislation if they act as systemic barriers to the equality rights of diverse groups of students?

Many of these same values are reinforced by Human Rights legislation. For example, the objectives of *The Saskatchewan Human Rights Code* are:

(a) to promote recognition of the inherent dignity and the equal inalienable rights of all members of the human family; and

(b) to further public policy in Saskatchewan that every person is free and equal in dignity and

Did you KNOW?

Do you know that the Supreme Court has ruled that:

- French speaking parents have a right to establish their own school boards consistent with s. 23 of the *Charter* (*Mahe v. Alberta*, 1990);
- The public's interest in public education is an overriding interest and cannot give way, without approval from the education ministry, to a parent's wish for religious home schooling (*Jones v. The Queen*, 1986);
- That employees of school boards whose religion is different than the majority must be accommodated by adjusting the work place so as to allow them to maintain their Sabbath (*Renaud v. Board of Education of Central Okanagan No. 23 and Canadian Union of Public Employees, Local 523*, 1992)
- That a teacher's freedom of expression does not include the right to promote hatred against a protected class (*R. v. Keegstra*, 1991).

rights and to discourage and eliminate discrimination.

13 (1) Every person and every class of persons shall enjoy the right to education in any school, college, university or other institution or place of learning, vocational training or apprenticeship without discrimination because of his or her race, creed, religion, colour, sex, sexual orientation, family status, marital status, disability, nationality, ancestry or place of origin, or receipt of public assistance.

(2) Nothing in subsection (1) prevents a school, college, university or other institution or place of learning from following a restrictive policy with respect to enrolment on the basis of sex, creed, religion or disability, where it enrols persons of a particular sex, creed or religion exclusively, or is conducted by a religious order or society, or where it enrols persons who are disabled (*The Saskatchewan Human Rights Code*, section 13).

The *Canadian Charter of Rights and Freedoms* also has an effect on education. Section 32 of the *Charter* states that the *Charter* applies to Parliament, the provincial legislatures and their agents. Education is considered an agent of provincial legislatures. Over the past decade a number of important cases have affirmed that the *Charter* influences the role of educators.

In addition to the provincial and constitutional documents governing education, Canada is a signatory to the recently proclaimed *Convention on the Rights of the Child*. The *Convention* was unanimously adopted by the United Nations on November 20, 1989. On September 2, 1990 the *Convention* became international law meaning that States which ratified the *Convention* must review their laws to make sure they are in line with the provisions of the *Convention*. If a signatory to the *Convention* fails to comply with it, the state is answerable to the international community.

The *Convention* calls upon States Parties to ensure the protection and care of children including their right to the highest attainable standard of health care, their right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development, their right to be free from exploitation and abuse, and their right to an education.

Article 28 of the *Convention* recognizes the right of the child to an education. It states:

1. States Parties recognize the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

   (a) Make primary education compulsory and available free to all;

   (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate

Did you KNOW?

Do you know that Lower Courts and Tribunals have ruled that:

- The reciting of the Lord's Prayer and readings from the Bible in public schools are unconstitutional (*Zylberberg et al. v. Sudbury Board of Education*, 1988; *Canadian Civil Liberties Association v. Ontario (Minister of Education)*, 1990; *Russow v. British Columbia (A.G.)*, 1989; *Manitoba Association for Rights and Liberties Inc. v. Manitoba (Minister of Education)*, 1992).
- That harassment in schools violates the equality provisions of the *Charter* (*Quebec Human Rights Commission v. Board of Education of Deux-Montagnes*, 1994).
- That students with disabilities have a right to integration within their neighbourhood schools (*Eaton v. Brant (County) Board of Education*, 1995)
- That school authorities have an obligation to combat harassment by undertaking substantive educational measures to neutralize an environment that condones harassment (*Quebec Human Rights Commission v. Board of Education of Deux-Montagnes*, 1994).

BEST COPY AVAILABLE

measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and conformity with the present *Convention*.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of the developing countries.

The Canadian government ratified the* Convention on the Rights of the Child *in November, 1991 and in the spring of 1995, the UN Committee on the Rights of the Child reviewed Canada's compliance with the* Convention *and raised concerns over the use of corporal punishment to correct children's behavior (United Nations, 1995).

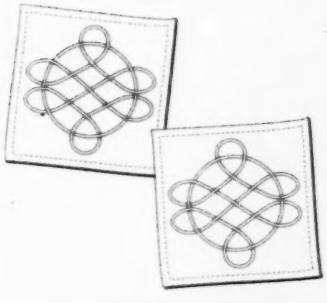
Article 29 of the *Convention* provides direction on the education of the child. It states:

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the *Charter of the United Nations*;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which



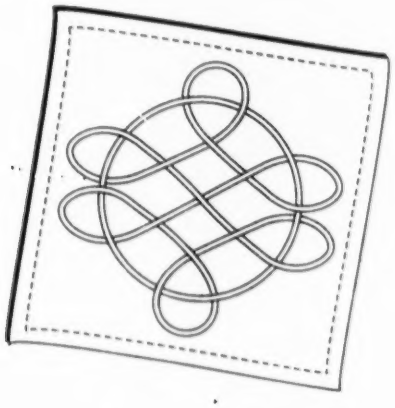
Albert Schweitzer said, "Modeling is not the best way to teach. It is the only way to teach." But if the modeling demonstrates intolerance and lack of respect for diverse students, that is the lesson taught.

he or she may originate and for civilizations different from his or her own;

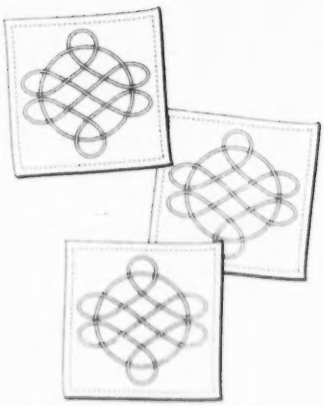
(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

In particular, Article 29(1) asks educators and the education system to prepare students to respect diversity in the same way educators and the education system are to respect diversity.



YES, But What If...



What if my student is so disruptive in class that the other students are losing out? Their right to enjoy an education is being undermined. What am I supposed to do?

Let us consider the following situation. Dan is in Grade 8. He is described by the staff as a "handful". The biggest problem seems to be his bullying which often results in physical fights. Many students are terrified of him. He has been reprimanded for harming students in the younger grades and disrupting the classroom many times. Without a doubt he is the subject of many telephone calls from upset parents. A number of progressive discipline methods have been tried but to no avail. The school administration decides that the time has come to expel him from the school. But is that fair? Doesn't Dan have the right to an education? On the other hand, don't the other students have the same right to an education — a right that is being disrupted by the behavior of one student.

What is important to remember is that the rights and freedoms as set down in human rights laws and the *Charter* are not absolute rights. The *Charter* and provincial and territorial human rights legislation allow for the limiting of rights and freedoms under certain conditions. In other words, Dan's right to an education may be limited if it interferes, in a harmful way, with the rights of the collective. However, the justification for limiting Dan's right to an education rests with the educational decision makers.

Section 1 of the *Charter* allows school authorities to limit the rights and freedoms of students and staff if the limits

meet the criteria set out in section 1. The Court's have provided an important framework, which educators may find useful, to assist in reflecting upon educational decisions (*R. v. Oakes*, 1986). While this framework was developed under the *Charter* it has been applied to human rights legislation (*Saskatchewan High School Athletics Association*, 1994).

Let us assume that Dan is making the argument that he has the right to an education and cannot be expelled from school. In order to justify your decision to expel him you must be able to show that expulsion, in this case, was necessary to fulfil an important educational objective. The important educational objective could be to provide the other students with an environment in which learning can take place. The Courts have warned that the standards to be used in measuring the worth of any objective must be high to ensure that objectives which are trivial or inconsistent with the principles integral to a free and democratic society are not protected.

"The* Canadian Charter of Rights and Freedoms *guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society"* (Canadian Charter of Rights and Freedoms, *1982, section 1).

Once you have established the rationale for your decision you must reflect upon the following questions to determine whether your decision is reasonable and can be justified:

- Will Dan's expulsion ensure that the learning environment improves for the other students?
- Are there no other means available which will achieve the same objective, that is providing an environment conducive to learning, and still allow Dan to stay in school?
- Is the punishment so harsh that it interferes with the intended objective?

As noted earlier, legal rights and freedoms are not rigid. Those who drafted human rights legislation in Canada made sure that individual rights could not automatically override the collective good. Allowances are made to limit rights and freedoms as long as limiting an

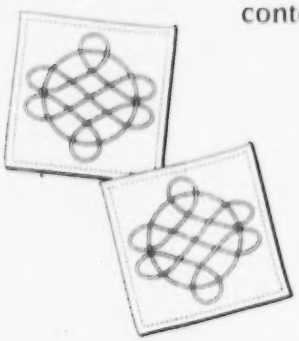
individual's right meets a sufficiently important educational objective, no other alternatives are available, and the punishment is not overly harsh.

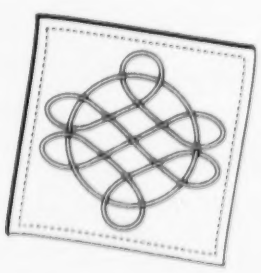
CRITERIA

For Evaluating/Reflecting Upon Educational Decisions

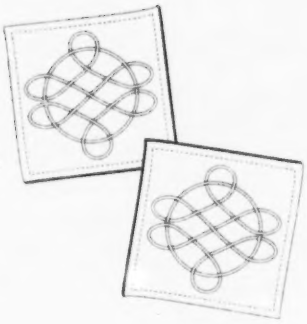
1) The objective to be gained is of sufficient importance; and
2) The method chosen is reasonable and demonstrably justified.
   (a) The method is designed to achieve the objective and is rationally connected to it;
   (b) The method impairs as little as possible the right or freedom in question because there are no other less restricting methods available; and
   (c) There is a proportionality between the method and the objective to be met.

The law and the Courts have directed educational decision makers to carefully reflect upon educational decisions which may limit the rights of students. The criteria discussed above ensures more fairness and demonstrates a commitment to justice by seeking justification and open dialogue about educational decisions. This process has been used by the Courts, to reflect upon the appropriateness of disciplinary actions, the segregation of students with disabilities, curriculum content and school rules.





AN Invitation...



There are many sides to every issue and the situation may vary depending on your position, role and experiences. The reflective process invites us all to heed alternative possibilities, consider the impact of our decisions on the future, and to take action "To do what you can, when you can, where you can, to the best that you can."

In our respective roles we can make a difference. Consider the following scenarios from the viewpoint of the student, the teacher, the administrator, and the school board. Reflect upon your own beliefs and:

- listen to more sides than one, give heed to the facts from whatever source they come, give full attention to alternative possibilities, and recognize the possibility of error even in the beliefs that are dearest to us **(open-mindedness)**;

- consider long-range goals as well as immediate issues and accept responsibility for helping to fashion a more equitable and humane tomorrow **(responsibility)**;

- muster the strength to move beyond abstract notions and put ideals into practice. Take risks and act despite the fear of being criticized, disturbing tradition and making changes **(whole-heartedness)**.

IN EMILY's Best Interest

Background

Emily is 7 years old and in a Grade 1 class. She has cerebral palsy and does not speak. Emily has some visual impairment and uses a wheelchair most of the time.

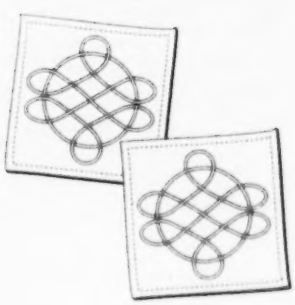
At the request of her parents, the Identification, Placement and Review Committee (I.P.R.C.), placed Emily in her neighbourhood school. The placement was on a trial basis. A full-time educational assistant was assigned to her classroom. The assistant's principle function was to attend to Emily's special needs.

Toward the end of Emily's Grade 1 year, the school board requested that the I.P.R.C. place Emily in a special class for disabled students. The I.P.R.C. granted the request. The parents objected.

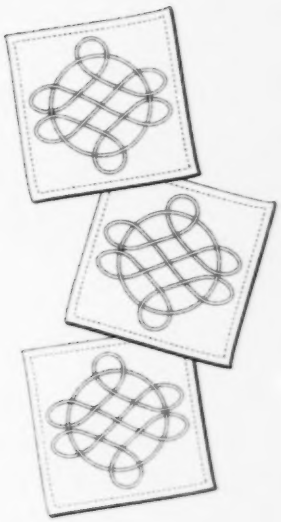
Emily

Emily is unable to communicate verbally. However, she appears happy in the integrated setting and is benefitting from being around other students her age.

Emily's Parents



The parents believe that placing Emily in a special education classroom is a form of segregation, something advocates for persons with disabilities have fought against for decades. If Emily were placed in the segregated setting, the parents believe she would not learn from the other students and they would not learn from her. The parents consider a segregated setting a burden and a disadvantage to Emily. They have stated



that there is no evidence to show that Emily would do better in a segregated setting than she is doing in an integrated setting. The parents believe that Emily's best interests are better served in an integrated setting with appropriate supports.

The Teacher

Emily's teacher agrees that Emily requires more assistance than the teacher and Emily's teacher associate are capable of providing. Emily's teacher has 26 other students in her class and sometimes she feels she is neglecting them. She is ambivalent about placing Emily in a segregated class because she believes Emily would continue to do well in an integrated setting as long as the classroom teacher has more appropriate support. Of particular concern to the teacher is Emily's habit of "mouthing" objects including sand, paper, and in some instances, potentially harmful objects such as pins. The teacher is concerned with the possible harm Emily could do to herself, and yet the teacher cannot provide the intense supervision she believes is necessary to avoid any harm.

The School Board

The School Board believes it had already made extensive and significant efforts to accommodate the parent's wishes by attempting to meet the needs of Emily in a regular class with appropriate modifications and supports. They also have empirical, objective evidence that shows Emily's needs are not being met in the regular class. Placing Emily in a special classroom at this stage would, the Board believes, be in her best interest.

What do you think?

How would you respond?

IN ROBERT's Best Interest

Background

Robert is in Grade 7. He is the only Aboriginal student in a predominantly white middle class group.

Robert

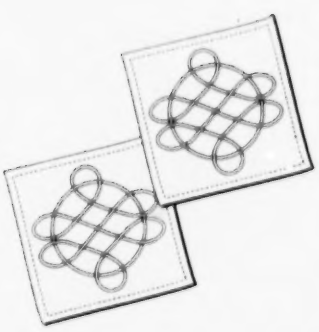
Robert feels that his classmates do not have a good understanding of what it is like in his culture and what it is like for him to be in a class where no other student looks like him. Robert is concerned about the lack of information the students have regarding Aboriginal people, and in particular their treaty rights. His classmates have made disparaging comments about Aboriginal people a number of times in class and Robert feels very isolated.

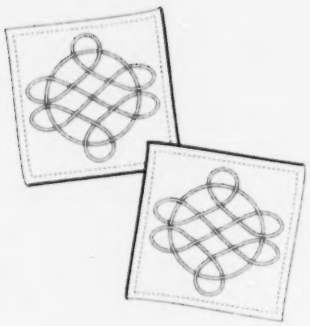
Robert's Mother

Robert spoke to his mother about the situation and his mother met with the teacher. Robert's mother asked whether the teacher could not present a unit on Aboriginal treaty rights, their history, and legal standing.

Teacher

Robert's teacher feels there is some truth to Robert's complaints and has considered how best to handle the matter. The teacher saw her role as trying to provide a balanced picture but she was reluctant to take sides. She also knew that some of the parents in the community had complained about the Grade 5 teacher who always included references to the contributions of Aboriginal people, women, and members of diverse backgrounds in every subject she taught.



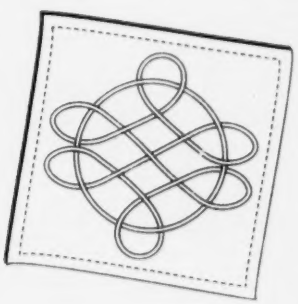


School Board

The school board was not sympathetic to the request of Aboriginal parents for more inclusive curriculum content, and had recently passed a policy condemning "political correctness" as an affront to academic excellence. The Board argued that historical facts were being undermined in the rush to be seen as fair.

What do you think?

How would you respond?



References

Reference

Books

Bigelow, Bill (1994). *Rethinking our classrooms: teaching for equity and justice*. Milwaukee, WI: Rethinking Schools.

British Columbia Teachers' Federation (1995). *Teaching human rights: valuing dignity, equity, and diversity*. Vancouver: BC.

Duvall, Lynn (1994). *Respecting our differences: a guide to getting along in a changing world*. Minneapolis: Free Spirit.

Eaton v. Brant (County) Board of Education, (1995) 22 O.R. (3d) 1.

Huber-Brown, Tonya (1993). *Teaching in the diverse classroom: learner-centred activities that work*. Bloomington, IN: National Educational Service.

Michener, Dorothy (1995). *Creating connections: learning to appreciate diversity*. Nashville, TN: Incentive Publications.

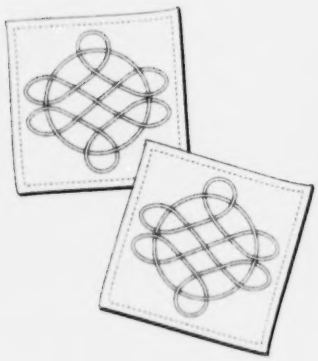
Miller-Lachmann, L. & Raylor, L. S. (1995). *Schools for All: Educating Children in a Diverse Society*. Toronto: Delmar Publishers.

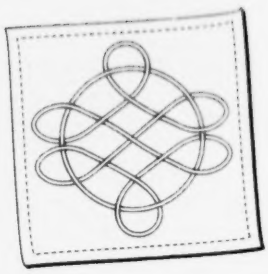
Rief, Linda (1992). *Seeking diversity: language arts with adolescents*. Portsmouth, NH: Heinemann.

Siccone, F. (1995). *Celebrating Diversity: Building Self-Esteem in Today's Multicultural Classrooms*. Toronto: Allyn and Bacon.

Stanovich, Paula J. & Jordan, Anne (1995). *Integrated education: a resource guide for including students with special needs in the regular classrom*. Federation of Women Teachers' Associations of Ontario. Toronto, FWTAO.

Villa, Richard A. & Thousand, Jacqueline S. (1995). *Creating an inclusive school*. Alexandria, VA: Association for Supervision and Curriculum Development.





Wang, Margaret M. (1992). *Adaptive education strategies: building on diversity*. Baltimore, MD: Paul H. Brookes.

Weis, L. & Fine, M. (1993). *Beyond silenced voices: class, race, and gender in United States schools*. Albany: State University of New York.

York, Jennifer (1989). *Strategies for full inclusion*. Minneapolis: Institute on Community Integration.

Videos

A Class Divided 60 minutes (1985): Considers the feelings associated with discrimination as experienced by a Grade 3 all white class.

For Angela 21:29 minutes (1994): A story about the racial harassment of a mother and daughter by three boys.

Sexual Harassment in High Schools: We Can Do Something About It 10 minutes (1993): The video is designed to encourage discussions among students and teachers about sexual harassment and how to stop it.

Rights From the Heart: Part 1 & 2: 36:1 minutes & 44.3 minutes (1994): These videos are based on the *Convention on the Rights of the Child*. Each video contains small segments depicting a specific right.

References

Begin, M & Caplan, G. (1994). *For the Love of Learning: Report of the Royal Commission on Learning* (Short Version). Toronto: Queen's Printers for Ontario.

Bertrand, J. E. & Stice, C. F. (Eds.). (1995). *Empowering Children At Risk of School Failure: A Better Way*. Norwood Massachusetts: Christopher-Fordon Publishers, Inc.

Bhinder v. C.N.R., [1985] 2 S.C.R. 561.

C.N.R. v. Canadian Human Rights Commission [1987] 1 S.C.R.1114.

Canada's Failure to Protect Children's Rights Criticized. (1995, May 29) *Saskatoon Star Phoenix* A-8.

Canadian Civil Liberties Association v. Ontario (Minister of Education), (1990) 71 O.R. (2d.) 341 (Ont. C.A.).

Canadian Teachers' Federation, *C.T.F. Government Administration and Policy*, (1993-94). Ottawa.

Convention on the Rights of the Child, U.N. Doc A/RES/44/25 (1989).

Cummins, J. (1988). From Multicultural to Anti-Racist Education in Skutmabb-Kangas, R. & Cummins, J. (Eds). (1988). *Minority Education: From Shame to Struggle*. Philadelphia: Multilingual Matters.

Cummins, J. (1989). *Empowering Minority Students*. Sacramento: California Association of Bilingual Education.

DeVillar, R. A., Faltis, C. J. & Cummins, J. P. (1994). *Cultural Diversity in Schools: From Rhetoric to Practice*. New York: SUNY.

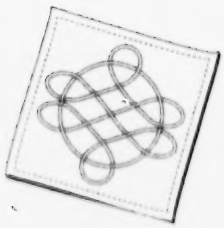
Dewey, J. (1933). *How We Think*. Chicago: Henry Regnery.

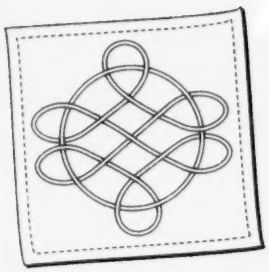
Dewey, J. (1933). *How We Think: A Restatement of the Relation of Reflective Thinking to The Educative Process*. New York,: D.C. Heath and Company.

Dickinson, G. M., Wayne, A. & MacKay, A. W. (1989). *Rights, Freedoms and the Education System in Canada: Cases and Materials*. Toronto: Emond Montgomery Publications Ltd.

Eaton v. Brant (County) Board of Education, (1995) 22 O.R. (3d) 1.

Goodman, J. (1991) Using a Methods Course to Promote Reflection and Inquiry Among Preservice Teachers, in Rabachnick, B. R. & Seichner, K. M. (Eds.). (1991). *Issues and Practices in Inquiry-Oriented Teacher Education*. London: Falmer Press. at 61.





Hoffman, D. (1996, April 6). Child Poverty in Province Ranks Among Nation's Worst. *The Saskatoon Star Phoenix*.

"How Schools Shortchange Girls" (American Association of University Women, 1992 referred to in Cecelia Goodnow, "Boys World: Girls Education Short Changed by Sexism" (*Star Phoenix*, April 18, 1994 B 15).

Jones v. The Queen, [1986] 2 S.C.R. 284.

Kidder, R. M. (1994, July/August). Universal Human Values: Finding an Ethical Common Ground. *The Futurist* 8.

LaBoskey, V. K. (1994). *Development of Reflective Practice: A Study of Preservice Teachers*. New York: Teachers College.

Lather, P. A. (1991). *Getting Smart: Feminist Research and Pedagogy*. New York: Routedge.

Mahe v. Alberta, [1990] 1 S.C.R. 342.

Manitoba Association for Rights and Liberties Inc. v. Manitoba (Minister of Education) [1992] 5 W.W.R. 749 (Man Q.B.).

McLeod, R. (1995). *Meeting Diverse Student Needs in Saskatchewan Classrooms*. Saskatchewan: Saskatchewan Teachers' Federation & Saskatchewan Education.

Michael Huck v. Odeon Theatres Limited (1985) 6 Canadian Human Rights Reporter D/2682. (Court of Appeal).

Ontario Human Rights Commission and Simpson-Sears Ltd. (1985), 23 D.L.R. (4th) 321 (S.C.C.).

Peters, F. & Montgomerie, C. (1994, May). Educators' Attitudes Towards Rights. The Canadian Association for the Practical Study of Law in Education. Paper presented at C.A.P.S.L.E., Saskatoon, Saskatchewan.

Peters, F. & Montgomerie, C. (in press). Educators' Knowledge of Rights. *Canadian Journal of Education*.

Pine, G. J., Asa, G. & Hillard, A. G. (1995). *Rx for Racism: Imperatives for America's Schools*, quoted in Siccone, F. (1995). *Celebrating Diversity: Building Self-Esteem in Today's Multicultural Classrooms.* Toronto: Allyn and Bacon.

Quebec Human Rights Commission v. Board of Education of Deux-Montagnes (1994) 19 C.H.R.R. D/1.

R. v. Keegstra, [1991] 117 N.R. 1.

R. v. Oakes [1986] 65 N.R. 87.

Renaud v. Board of Education of Central Okanagan No. 23 and Canadian Union of Public Employees, Local 523, (1992) 141 N.R. 18.

Robin F. Badgley, R. F. (1984). *Sexual Offences Against Children, Vol. 1: Report of the Committee on Sexual Offences Against Children and Youths.* Ottawa: Canadian Government Publishing Centre.

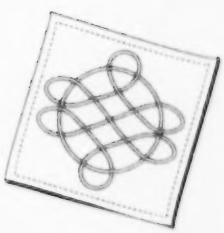
Russow v. British Columbia (A.G.) (1989), 35 B.C.L.R. (2d.) 29 (S.C.).

Sadker, M. & Sadker, D. (1994). *Failing at Fairness; How America's Schools Cheat Girls.* Toronto: Maxwell Macmillan Canada.

Saskatchewan High School Athletics Association, Saskatchewan Human Rights Commission Exemption Decision No. E-94-30.

Saskatchewan School Trustees Association, (1991) *Saskatchewan 2000.* Regina: Saskatchewan School Trustees Association.

Siccone, F. (1995). *Celebrating Diversity: Building Self-Esteem in Today's Multicultural Classrooms.* Toronto: Allyn and Bacon.



Siccone, F. (1995). *Celebrating Diversity: Building Self-Esteem in Today's Multicultural Classrooms.* Toronto: Allyn and Bacon.

Skutmabb-Kangas, R. & Cummins, J. (Eds.). (1988). *Minority Education: From Shame to Struggle.* Philadelphia: Multilingual Matters.

The Adaptive Dimension in Core Curriculum (1992). Saskatchewan: Saskatchewan Education.

The Canadian Charter of Rights and Freedoms, Part 1 of Schedule B of the *Canada Act 1982*, 1982, R.S.C. 1985, App II, No 44.

The Saskatchewan Human Rights Code, (R.S.S. 1979, c.S-24.1).

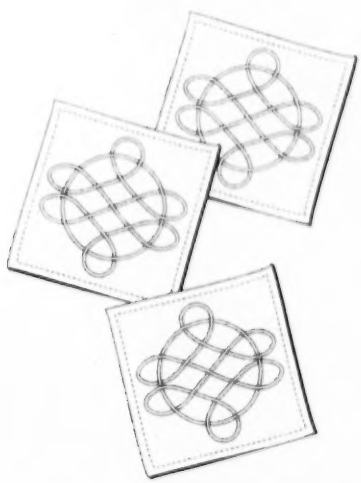
United Nations Committee on the Rights of the Child (C.R.C.) RC 9th Sess, 233rd Mtg, UN Doc. CRC/C/15/Add. 37 (1995). [Concluding Observations of the Committee on the Rights of the Child: Canada].

Watkinson, A. M. (1986) "Student Discipline and the *Canadian Charter of Rights and Freedoms*". Unpublished Master of Education Thesis, University of Saskatchewan, Saskatoon, Saskatchewan.

Watkinson, A. M. (1994). Equality, Empathy and the Administration of Education. *Education and Law Journal*, 5:3, 273.

Watt, D. L. E. & Roessingh, H. (1994). Some You Win, Most You Lose: Tracking E.S.L. Student Drop Outs in High School. *English Quarterly*, 26:3.

Zylberberg et al. v. Sudbury Board of Education, (1988) 29 O.A.C. 23 (Ont. C.A.).



Diversity in the Classroom Series

Document Number	Book Bureau Order Number	Title
One	7225	**Honouring Diversity in the Classroom:** Challenges and Reflections
Two	7226	**Multicultural Connections:** Exploring Strategies and Issues
Three	7227	**Growing Stronger:** Teaching and Learning Responsibility
Four	7228	**Planning Together:** Positive Classroom Environments
Five	7229	**Aboriginal Cultures and Perspectives:** Making a Difference in the Classroom
Six	7230	**A Voice for all Students:** Realizing Gender Equity in Schools
Seven	7231	**Creating an Inclusive Classroom:** Integrating Students with Special Needs

To order documents, contact:

Book Bureau
1500 - 4th Avenue
Regina, SK Canada
S4R 8C8

Telephone: (306) 787-5987
Facsimile: (306) 787-9747 or 1-800-668-9747

ISBN 0-7731-0323-6 (Series)
ISBN 0-7731-0324-4 (No. 1)